

21 May 2004

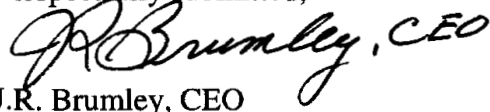
Ms. Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: South Slope Cooperative Telephone Company
CC Docket No. 96-45
Petition for Waiver of Deadlines in 47 C.F.R 54.307(c)

Dear Ms Dortch:

Enclosed are an original and four (4) copies of the above-referenced Petition for Waiver. Pursuant to Section 1.1105 of the Commission's rules. South Slope filed this identical petition dated September 16, 2003, and it was received and processed by the Commission on September 23, 2004. I am not aware that any action has been taken on it at this time. However, South Slope did not include a Certificate of Service with that petition filing. If the lack of the Certificate of Service has caused a delay in acting upon the original petition, please accept the attached as a revised and complete filing. Thank you.

Respectfully submitted,


J.R. Brumley, CEO
South Slope Cooperative Telephone Company
P.O. Box 52317
North Liberty, IA 52317
319-665-2211

Enclosures:
Original petition and four copies

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List ABCDE

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

RECEIVED & INSPECTED

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FCC - MAILROOM

In re)	
)	
SOUTH SLOPE COOPERATIVE)	CC Docket No. 96.45
TELEPHONE COMPANY)	
)	
Petition for Waiver of Deadline)	
In 47 C.F.R. 54.307(c))	

WAIVER – EXPEDITED ACTION REQUESTED

**PETITION OF SOUTH SLOPE COOPERATIVE TELEPHONE COMPANY
FOR WAIVER OF DEADLINE IN 47 C.F.R. 54.307(c)**

South Slope Cooperative Telephone Company (“South Slope”), pursuant to Sections 1.3 and 1.925 of the Commission’s rules,¹ hereby petitions the Commission for waiver of the July 31, 2003 filing deadline for working loop data set forth in Section 54.307(c)² of the Commission’s rules and requests that the Commission accept its September 2, 2003 data submissions as timely.

South Slope is an Eligible Telecommunications Carrier (“ETC”) in the State of Iowa, and is eligible to receive rural high-cost universal service support as both an incumbent local exchange carrier (“ILEC”) and as a competitive ETC. South Slope receives support for a competitive ETC offering in price cap study areas 351167 and 351178, as well as in rural, rate-of-return study area 351298. South Slope files for high cost support for its ILEC offerings under Study Area Code 351298, and for its competitive offerings under Study Area Code 359008.

Because of these somewhat unique circumstances, South Slope contacted the Universal Service Administrative Company (“USAC”) in order to ensure that proper data was filed at proper intervals. After receiving instructions from USAC, South Slope first filed for competitive support in study area 351298 in March 2003, after filing all necessary certifications and paperwork, by submitting a working loop count as of September 30, 2002. South Slope began receiving support for this offering in study area 351298 in 3rd Quarter 2003. South Slope also continued its filings for portable Interstate Access Support (IAS) by filing a working loop count as of December 31, 2002, as required.

1. See 47 C.F.R.1.3; 47 C.F.R. 1.925.
2. See 47 C.F.R. 54.307(c)

During the next quarterly interval, however, South Slope erroneously omitted some data from the loop count filings it made with USAC. USAC's posted *General High Cost Filing Requirements* indicated that only IAS quarterly filings and annual USF certifications were due by June 30, 2003. South Slope made both of these filings in a timely fashion, and seeks no waiver of any deadlines for either of these filings. On or before July 31, 2003, USAC's *General High Cost Filing Requirements* called for annual data submissions, to include working loop counts as of December 31, 2002. While South Slope made this filing for its ILEC offerings in a timely fashion, it erroneously omitted the working loop count for its competitive ETC offering within study area 351298. As a result, no loop count as of December 31, 2003 was submitted under the competitive ETC study area code 359008, for working loops within study area 351298. Upon discovery of this error, South Slope immediately filed such loop count by submitting both a Form 507 (for Interstate Common Line Support or "ICLS") and a line count letter (for High Cost Loop Support ("HCL"), Local Switching Support ("LSS"), and Long Term Support ("LTS")). These filings were submitted to USAC on September 2, 2003. USAC has acknowledged receipt of these filings, and has indicated that support will continue uninterrupted from the HCL, LSS, and LTS mechanisms. This is due to the fact that support payments 3rd and 4th Quarter 2003 support from these mechanisms are based on the March 31, 2003 filing (using Sept.30 2002 data), and 1st Quarter 2004 support is based on the upcoming September 30, 2003 filing (using June 30, 2003 data).¹ However, USAC has advised South Slope that because 4th Quarter 2003 ICLS support is based on the filing due July 31, 2003 (using December 31, 2003 data), a deadline waiver is necessary in order for ICLS support payments to be issued based on this Form 507 filing.

REQUEST FOR WAIVER

South Slope understands very well the extreme importance of timely data and certification filings by all ETCs, and regrets that an error of omission occurred in the July 2003 quarterly filings it submitted to USAC. The Commission will find that South Slope has an otherwise excellent track record of meeting all data and certification deadlines relating to both its ILEC and competitive ETC offerings. Due to confusion over the applicable deadlines for each offering, however, a one-time error occurred. South Slope offers its confusion over the posted *General High Cost Filing Requirements* not as an excuse for missing the July 31, 2003 deadline for certain of its data, but rather simply as an explanation of how its error occurred. South Slope also offers the fact that it made the IAS loop count filing, the USF certification filing, and the ILEC annual data filing in a timely fashion as evidence that it did not *ignore* its 2nd Quarter filings obligations, but rather omitted a certain component of these filings in error.

1. See also Petition of RFB Cellular, Inc., CC Docket No. 96-45, January 28, 2002, page 4.

Section 1.3 of the Commission's rules provides the Commission with discretion to waive application of any of its rules upon showing of good cause. In addition, Section 1.925(b)(3) provides for waiver where it is shown that:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that grant of a waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rules would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

South Slope takes no issue with the reasonableness of the Commission's rules requiring timely data submissions by ETCs, and recognizes the importance of compliance with these rules. South Slope contends that the underlying purpose of these rules, however, is to ensure that the Commission and USAC are able to properly project, collect, and distribute all universal service mechanisms in a timely and accurate manner. By virtue of the loop count filing South Slope made in March 2003, USAC informs South Slope that the competitive offering in question will receive its HCL, LSS, and LTS support in the 3rd and 4th Quarters of 2003 (as further evidenced by USAC's posted projections.) South Slope has also filed all appropriate working loop counts (June 30, 2003 for IAS; March 30, 2003 for other support mechanisms) prior to the 3rd Quarter deadline of September 30, 2003. These line counts will serve as the basis for South Slope's support in the 1st Quarter of 2004. So, South Slope's omission of certain data from its 2nd Quarter filing only effects the loop count data used to determine 4th Quarter 2003 ICLS Support. The data omitted is not used as the basis of support for any support payments other than 4th Quarter 2003 ICLS. Therefore, given that the omission was corrected soon after the July 31 filing deadline, the error should not unduly hinder USAC's administrative functions related to the projection, collection, or distribution of universal service support. While South Slope's regrets its filing error, the error has only impacted three monthly ICLS payments. Timely action on this waiver request should allow the issue to be corrected without placing an undue burden on USAC.


Because South Slope took immediate corrective action upon discovery of its error in the 2nd Quarter filings, South Slope contends that an interruption of its ICLS support for an entire quarter would frustrate the underlying purpose of the loop count filing rules, and would not serve the public interest. The South Slope offering that is the subject of this waiver has been approved for ETC status by the Iowa Utilities Board ("IUB"), and proper use of the support provided has been certified by South Slope with the Commission, USAC, and the IUB. While it would be technically correct within the strict interpretation of Commission rules, suspension of 4th Quarter 2003 ICLS support for this offering due to a filing error – an error that was immediately corrected upon discovery – would not be in the public interest.

For the reasons stated above, South Slope feels that it has shown good cause for waiver of this filing deadline under Section 1.3 of Commission rules, as well as justification for

such a waiver at the Commission's discretion under Section 1.925(b)(3). The waiver would serve the public interest by allowing South Slope to receive uninterrupted USF support for all of its ETC offerings. Expedited action is requested so that USAC may accept South Slope's September 2, 2003 line count filings (using December 31, 2002 data) as timely, allowing the data included in these filings to be incorporated into USAC's remaining 2003 and 2004 projections and support payments, and allowing South Slope to receive its full, uninterrupted USF support.

Respectfully submitted,

South Slope Cooperative Telephone Company


By:  J. R. Brumley, CEO
South Slope Cooperative Telephone Company
P.O. Box 52317
North Liberty, IA 52317
319-665-2211

21 May 2004

CERTIFICATE OF SERVICE

I, J. R. Brumley, CEO of South Slope Cooperative Telephone Company do certify that the foregoing Petition for Waiver is true and accurate and has been filed with the FCC Office of the Secretary and served via e-mail to the recipient list denoted by (*) below.

Sincerely,


J. R. Brumley, CEO
South Slope Cooperative Telephone Company

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